

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SUZANNE G. PATTON,

Plaintiff,

v.

JO-ANN STORES, LLC  
d/b/a JO-ANN FABRICS AND CRAFTS

and

POTTER CONSTRUCTION  
SERVICES, INC.

Defendants.

CASE NO.: 7:16cv 00076

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA.

DEFENDANT JO-ANN STORES, LLC ("Jo-Ann") removes the case captioned, *Suzanne G. Patton v. Jo-Ann Stores, LLC d/b/a Jo-Ann Fabrics and Crafts and Potter Construction Services, Inc.*, Case No.: CL16-143, pending in the Circuit Court of Montgomery County (the "State Court Action"), to the United States District Court for the Western District of Virginia, Roanoke Division. As grounds for removal, Jo-Ann states as follows:

1. On January 29, 2016, Defendant Jo-Ann was served through its registered agent with a copy of the Summons and Complaint in the State Court Action seeking damages in the amount of one million dollars (\$1,000,000). (Exhibit A)
2. On February 16, 2016 Defendant Jo-Ann filed its Answer to Plaintiff's Complaint. (Exhibit B)

3. No other pleadings, documents or orders have been served upon Defendant Jo-Ann. Copies of all pleadings are attached as Exhibits A and B, above.

4. Plaintiff, upon information and belief, is a resident of the Commonwealth of Virginia.

5. At all times material hereto, Jo-Ann is and was an Ohio limited liability company whose sole member is and was a Delaware limited liability company and, the sole member of the Delaware limited liability company is a Delaware corporation with its principal place of business in Delaware.

6. Potter Construction Services, LLC ("Potter") is a corporation formed in accordance with the laws of North Carolina and maintains its principal place of business in North Carolina. Therefore, Potter is a citizen of the state of North Carolina for diversity purposes. 28 U.S.C. § 1332(c)(1). *See generally Hertz Corp. v. Friend*, 559 U.S. 77, 130 S. Ct. 1181 (2010).

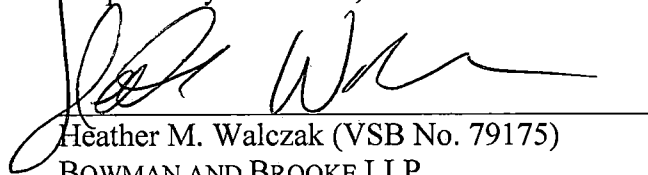
7. Since Plaintiff is a resident of Virginia but neither Potter nor Jo-Ann is a resident of Virginia, there exists complete diversity of citizenship between Plaintiff and Defendants. 28 U.S.C. § 1332(c)(1).

8. Plaintiff Defendants Jo-Ann and Potter are citizens of different states for diversity purposes, and the amount in controversy exceeds \$75,000.00; therefore, this action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332.

9. Removal by Defendant is timely, pursuant to 28 U.S.C. § 1446, in that this Notice is filed within thirty (30) days of service of the Summons and Complaint.

10. For the foregoing reasons, Jo-Ann removes this matter to this Court pursuant to U.S.C. § 1441.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Walczak', is written over a horizontal line.

Heather M. Walczak (VSB No. 79175)

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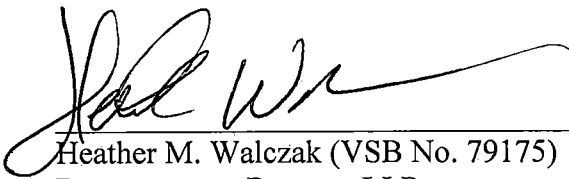
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*Counsel for Jo-Ann Stores, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent by facsimile and U. S. Mail to the following on the 22<sup>nd</sup> day of February, 2016:

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